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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Felipe Ernesto HERNANDEZ

Defendant.

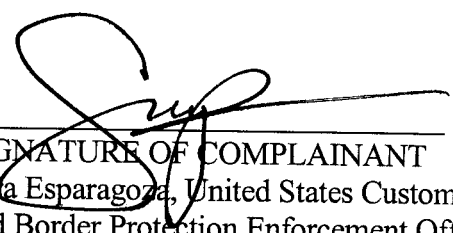
Magistrate Case No. **'08 MJ 06 25**COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Aliens  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 29, 2008**, within the Southern District of California, defendant **Felipe Ernesto HERNANDEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Raul TRUJILLO-Vargas** and **Alejandro ALVAREZ-Castro**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before and subscribed in my presence, this 3<sup>rd</sup> day of **March, 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

**PROBABLE CAUSE STATEMENT**

The complainant states that **Raul TRUJILLO-Vargas** and **Alejandro ALVAREZ-Castro** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 29, 2008 at approximately 3:30 AM, **Felipe Ernesto HERNANDEZ (Defendant)** applied for entry into the United States from Mexico at the Otay Mesa, California Port of Entry through vehicle primary lane 4. Defendant was the driver and sole visible occupant of a white 1988 Ford F-250 truck. During pre-primary roving operations a canine alerted to the vehicle. During the inspection, Defendant claimed ownership of the vehicle and declared he was not bringing anything back from Mexico. Defendant stated he was on his way to work as a union worker at the Mercy Hospital parking lot and that he lived in Chula Vista. Defendant stated the reason he went to Mexico was to pick up his truck because he does not have a place to keep his truck to protect his tools. Defendant and vehicle were then escorted to secondary for further inspection.

In secondary, two adult males were removed from a modified locked toolbox located in the bed of the truck. The undocumented aliens were extracted by unlocking two padlocks with the keys that were attached to the vehicle keys. The two males were determined to being citizens of Mexico without legal documents to enter or reside into the United States and are now identified as Material Witnesses **Raul TRUJILLO-Vargas (MW1)** and **Alejandro ALVAREZ-Castro (MW2)**.

Defendant was advised of his Miranda rights and elected to make a statement and answer questions without a lawyer present. Defendant stated he had no knowledge of the concealed aliens. Defendant stated the reason he went to Mexico was to pick up his truck at his house which contained tools in order for him to go to his union school in Clairemont. Defendant stated the reason he keeps his truck in Mexico is because he did not want his tools to get stolen in the United States. Defendant admitted his friend Jose had asked him if he wanted to smuggle people in his truck about three days ago. Defendant stated he told his friend that he was not into that kind of thing. Defendant stated he believes his friend Jose might have had something to do with the concealed aliens. Defendant stated he had the vehicle keys to the truck when the truck was in Mexico. Defendant stated the truck was in the garage and that he drove the truck from his house to the border.

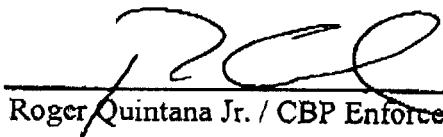
Material Witnesses were interviewed and admitted to being citizens of Mexico without legal documents to enter or reside in the United States. Material Witnesses stated they were going to California to seek employment. Material Witnesses stated a smuggling fee of \$4,500.00 USD each was to be paid upon their arrival to California. Material Witnesses stated smuggling arrangements were made in Tijuana, Mexico with unknown smugglers. Material Witnesses stated the smuggler whom they had dealt with concealed them in the compartment. Material Witnesses stated the vehicle started up and headed towards the border after three to five minutes of being concealed.

**Probable Cause Statement Continued**

**Continued Probable Cause Statement**

Material Witnesses stated the smuggler instructed them to be quiet and to not move when they arrived at the border. MW1 stated after the smuggler's instruction he told the smuggler that his leg was getting burned from the metal floor. MW1 stated the smuggler told him that it had gotten hot because he drove fast to the border, but that it would cool down since they were at the border line. MW2 stated after the smuggler's instruction to be quiet he heard the door open and close indicating to him that's when Defendant took over the truck.

Executed on this 29<sup>th</sup> day of February, 2008 at 3:00 PM.

  
Roger Quintana Jr. / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) pages, I find probable cause to believe that the defendant named therein committed the offense on February 29, 2008 in violation of Title 8, United States Code, Section 1324.

  
U.S. Magistrate Judge

3/1/08 @ 11:10 AM  
Date/ Time

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**